



support of this allegation, the plaintiff supplies copies of discharge summary records from the hospital dated January 6, 2008 (doc. no. 15-1 at 2), and January 31, 2008. (Doc. no. 15-1 at 6). However, under the paragraph entitled “INSTRUCTIONS TO PATIENT AND FAMILY,” the plaintiff is simply directed in general terms to “avoid any strenuous activity” and to “avoid bending, lifting or straining.” *Id.* He was also instructed to wear a shield over his eye at bedtime. Nothing in those documents specifically instructs jail personnel to segregate the plaintiff from the general jail population, or to provide any form of protected living arrangements, nor is there any warning that the plaintiff was in a *particularly* susceptible or vulnerable physical condition at the time of his discharge.<sup>1</sup> Therefore, the magistrate judge was correct in finding that the plaintiff had failed to plead specific facts which show that the defendants were deliberately indifferent.

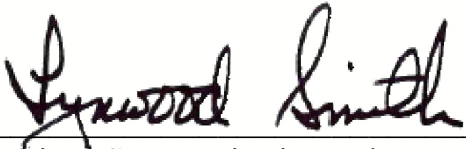
Accordingly, having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation and the objections thereto, the Court is of the opinion that the magistrate judge's report is due to be, and it hereby is, ADOPTED, and the recommendation is ACCEPTED. This action is therefore due to be dismissed without prejudice pursuant to 28 U.S.C. §

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<sup>1</sup> Included with the plaintiff's objections are the plaintiff's “Motion for Injunction -Video” (Doc. no. 16) and “Motion for Injunction - Medical Records.” (Doc. no. 17). Pursuant to the above discussion, these motions are **DENIED AS MOOT**.

1915A(b)(1), for failing to state a claim upon which relief may be granted. A Final Judgment will be entered.

DONE this 3rd day of November, 2010.

  
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United States District Judge